

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

WAYNE BALIGA, derivatively on behalf of  
LINK MOTION INC. (F/K/A NQ MOBILE INC.)

Plaintiff,

-against-

LINK MOTION INC. (F/K/A NQ MOBILE  
INC.), VINCENT WENYONG SHI, JIA LIAN,  
XIAO YU,

Defendants,

-and-

LINK MOTION INC. (F/K/A NQ MOBILE  
INC.),

Nominal Defendant.

Civil Action No.: 1:18-cv-11642

**DECLARATION OF MICHAEL  
JAMES MALONEY IN SUPPORT  
OF MOTION FOR  
INDEMNIFICATION *PENDENTE*  
*LITE***

MICHAEL JAMES MALONEY declares, pursuant to 28 U.S.C. 1746, as follows:

1. I am an attorney duly admitted to practice law before the United States District Court for the Southern District of New York. I am a partner of Felicello Law P.C. and counsel of record for Defendant Vincent Wenyong Shi (“Mr. Shi”).

2. I make this declaration in support of Mr. Shi’s motion for an Order declaring that Mr. Shi is entitled to indemnification for legal fees and expenses *pendente lite* and directing Robert W. Seiden, the court-appointed receiver (the “Receiver”), to reimburse Mr. Shi for legal fees paid through September 30, 2020 in the amount of \$208,474.76 and to pay upon presentment invoices for legal fees and expenses incurred by Mr. Shi in connection with this action.

3. Annexed hereto as **Exhibit A** is a true and correct copy of the Indemnification Agreement for Directors and Officers, effective as of March 10, 2011, by and between Link Motion Inc., f/k/a Netqin Mobile Inc. (“LKM”) and Mr. Shi (the “Indemnification Agreement”).

4. Annexed hereto as **Exhibit B** is a true and correct copy of the Form 6-K which was filed by the Receiver with the S.E.C. on March 26, 2019.

5. Annexed hereto as **Exhibit C** is a true and correct copy of a letter dated February 5, 2020 from me to the Receiver.

6. Annexed to Exhibit C is a true and correct copy of a Client Ledger Report showing the legal fees and expenses incurred by Mr. Shi to CKR Law LLP in the amount of \$116,954.76. These legal fees and expenses were incurred in connection with the defense of the claims asserted against Mr. Shi in this action.

7. Annexed hereto as **Exhibit D** is a true and correct copy of a letter from the Receiver, dated February 18, 2020.

8. Annexed hereto as **Exhibit E** is a true and correct copy of a letter from me to the Receiver, dated April 23, 2020.

9. Annexed to Exhibit E is a true and correct copy of an undertaking by Mr. Shi to repay to LKM amounts advanced to him under the Indemnification Agreement in the event it is later determined that Mr. Shi is not entitled to indemnification in connection with this action.

10. Annexed to Exhibit E is a true and correct certification by Mr. Shi confirming that the payments made to CKR Law LLP for legal fees and expenses were made from personal funds belonging to Mr. Shi.

11. Annexed hereto as **Exhibit F** is a true and correct copy of a report from Felicello Law P.C. setting forth the legal fees paid by Mr. Shi in connection with the defense of the claims against him in this action during the period from January 1, 2020 through September 30, 2020. Certain portions of Exhibit F have been redacted pursuant to the attorney-client privilege and work product doctrines.

12. In connection with my representation of Mr. Shi, my time has been billed at the hourly rate of \$715. I submit that this rate is reasonable in light of the complexity of the legal matters at issue in this action and the rates ordinarily charged by attorneys of similar experience who maintain offices in New York County. I submit that the time devoted to this matter was reasonable in light of the facts and circumstances.

13. On October 14, 2020, I met and conferred by telephone with Dov Gold, counsel for the Receiver, regarding the relief requested herein. I was advised that the Receiver would not consent to the relief requested herein.

WHEREFORE, Mr. Shi respectfully requests the Court to enter an Order (1) declaring that Mr. Shi is entitled to advancement from funds belonging to the Company for the legal fees and costs incurred in connection with the defense of the claims against him in this action; (2) directing the Receiver to pay to Mr. Shi, from Company funds, the sum of U.S.\$208,474.76, for the legal fees that he has incurred and paid through September 30, 2020; and (3) directing the Receiver to pay upon presentation future invoices for legal fees and expenses incurred by Mr. Shi in connection with this action, and granting such other and further relief as the Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 14, 2020

/s/ Michael James Maloney  
Michael James Maloney